

SENATE BILL REPORT

SB 5153

As of February 9, 2005

Title: An act relating to the implementation of a local surcharge on consumer fireworks to support enforcement of consumer fireworks regulations by counties, cities, and towns.

Brief Description: Authorizing a local surcharge on consumer fireworks.

Sponsors: Senators Pridemore and Kline.

Brief History:

Committee Activity: Labor, Commerce, Research & Development: 2/1/05.

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Staff: John Dziejczak (786-7784)

Background: Under state law, consumer fireworks may be used only during designated hours between June 28 and July 5; and on December 31 and January 1, unless banned by the local jurisdiction. Consumer fireworks are distinguished from display fireworks and agricultural or wildlife fireworks.

The Washington state patrol, through the director of fire protection, adopts rules regarding statewide minimum standards of fireworks safety. Counties and cities must comply with these rules.

Fireworks manufacturers, importers, wholesalers, retailers, and public pyrotechnic display operators must pay license fees, which are deposited into the fire services trust fund. Money in this fund may be used only for (1) statewide public education campaigns emphasizing the safe and responsible use of legal fireworks, and (2) statewide enforcement efforts against the sale and use of fireworks that are illegal under this chapter.

Summary of Bill: Local jurisdictions are authorized to impose and directly collect a surcharge of not more than four percent on the sale of consumer fireworks within their respective jurisdictions. Receipts from the surcharge must be used primarily for the education regarding and the enforcement of state and local fireworks regulations.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: A source of funding is needed to help local jurisdictions pay the costs of added enforcement associated with illegally used and illegal fireworks. Linking the funding source to the sale of fireworks is a reasonable nexus.

Testimony Against: The proposed tax is imposed in jurisdictions that allow fireworks, but the greatest enforcement needs are in those jurisdictions that ban fireworks. An additional tax may put sellers, most of which are non-profit fundraisers, at an even greater competitive disadvantage.

Who Testified: PRO: Senator Pridemore, prime sponsor; Jim Crawford, Vancouver Fire Dept.; Kevin O'Donnal, WA State Assn. of Fire Marshals. CONCERNS: Angela Foster, WA State Patrol, State Fire Marshall.

CON: Jerry Farley, WA Independence Day Assn.